

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

IN RE:

TAMITHA DENEICE HOLLOWAY,

DEBTOR.

§  
§  
§  
§  
§  
§

CASE NO. 09-70466

**MOTION FOR REHEARING AND TO SET ASIDE CONFIRMATION ORDER**

COMES NOW Wells Fargo Bank, N.A., Wells Fargo Auto Finance (hereinafter called “Movant”), who files the above referenced motion to allow its Objection to stand as filed and to set aside the Confirmation Order until its Objection can be heard.

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

1. Movant would show that it timely filed an Objection to Confirmation on or about October 16, 2009.

2. After filing the Objection, Movant monitored the docket to determine when the Confirmation hearing in this matter was set, but failed to notice that the Confirmation hearing had been set and noticed prior to the time of filing its Objection.
3. Movant is prepared and ready to go forward with its Objection and prove that it is well-founded. The value set on the vehicle is a value below that of even a wholesale value for the vehicle.

Movant prays that the Court allow the Objection to be heard and to set aside the Confirmation Order until such time as this Objection can be resolved and for any and all further relief as it may be entitled.

Respectfully submitted,

GLAST PHILLIPS & MURRAY  
A Professional Corporation

/s/ Sidney H. Scheinberg  
Sidney H. Scheinberg  
Texas State Bar No. 17736620  
2200 One Galleria Tower  
13355 Noel Road, L.B. 48  
Dallas, Texas 75240-6657  
Telephone: (972) 419-7177  
Facsimile: (972) 419-8329

ATTORNEYS FOR CREDITOR  
Wells Fargo Bank, N.A., Wells Fargo Auto Finance

**CERTIFICATE OF CONFERENCE**

On November 24, 2009, I conferred with Walter O'Cheskey, Trustee, and he advised that I file the foregoing Motion. I attempted to confer via telephone with Monte J. White, attorney for the Debtor, but was unable to determine if he is unopposed or opposed to the relief sought herein. Therefore, it is presented to the Court for determination.

/s/ Sidney H. Scheinberg  
Sidney H. Scheinberg

**CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2009, I served via electronic case filing or first class U.S. mail, a true and correct copy of the foregoing to the following:

Debtor's Attorney  
Monte J. White  
Monte J. White & Associates, P.C.  
1106 Brook Avenue  
Wichita Falls, TX 76301

Debtor  
Tamitha Deneice Holloway  
4515 Maplewood Avenue  
Apartment 144  
Wichita Falls, TX 76308

Trustee  
Walter OCheskey  
6308 Iola Avenue  
Lubbock, TX 79424

U.S. Trustee  
1100 Commerce Street  
Room 976  
Dallas, TX 75242-1496

/s/ Sidney H. Scheinberg  
Sidney H. Scheinberg